

**UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

CHAIRMAN

Judge Wm Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS

Judge John F Keenan
United States District Court
Southern District of New York

Judge Bruce M Selya
United States Court of Appeals
First Circuit

Judge Julia Smith Gibbons
United States Court of Appeals
Sixth Circuit

Judge D Lowell Jensen
United States District Court
Northern District of California

Judge J Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr
United States District Court
Northern District of Indiana

DIRECT REPLY TO

Michael J Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D C 20002

Telephone (202) 502-2800
Fax FILED (202) 502-2888

LODGED
http://www.jpml.uscourts.gov
RECEIVED

MDL 1407

April 14, 2003

APR 18 2003

Bruce Rifkin, Clerk
215 William Kenzo Nakamura U S Courthouse
1010 Fifth Avenue
Seattle, WA 98104-1130

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
WB

Re MDL-1407 -- In re Phenylpropanolamine (PPA) Products Liability Litigation

Ruby Cunningham v Bayer Corp , et al , N D Mississippi, C A No 2 02-260

Mary Coats Wilkinson, et al v American Home Products Corp , et al , N D Mississippi, C A No 2 02-261

Carol Adams v Chattem, Inc , et al , E D Texas, C A No 6 02-587

Deann Fetzer, et al v Chattem, Inc , et al , S D Texas, C A No 4 02-4891

Anna Faye Miller v Chattem, Inc , et al , W D Texas, C A No 1 02-801

Dear Rifkin

I am enclosing a certified copy and additional copies of an order filed by the Judicial Panel on Multidistrict Litigation in the above-captioned matter. The act creating the Panel provides that

Orders of transfer shall be filed in the office of the clerk of the district court of the transferee district and shall be effective when thus filed. The clerk of the transferee district court shall forthwith transmit a certified copy of the panel's order to transfer to the clerk of the district court from which the action is being transferred 28 U S C § 1407(c)

As is also required by the statute, a copy of the order is being sent to the clerk for the District of South Carolina, the district in which the hearing on this matter was held on March 27, 2003.

A list of involved counsel is attached.

Very truly,

Michael J Beck
Clerk of the Panel

By

Deputy Clerk



MD 01-01407 #00001750

Enclosures/Attachment

cc Transferee Judge Judge Barbara Jacobs Rothstein
Transferor Judges Judge W Allen Pepper Jr , Judge Lee H Rosenthal, Judge Sam Sparks, Judge William M Steger
Transferor Clerks Arlen B Coyle, David J Maland, Michael N Milby, William G Putnicki
Hearing District Clerk Larry W Propes

JPML Form 29

1750

A CERTIFIED TRUE COPY

APR 14 2003

ATTEST
FOR THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

APR 14 2003

FILED
CLERK'S OFFICE

DOCKET NO. 1407

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

Ruby Cunningham v. Bayer Corp., et al., N.D. Mississippi, C.A. No. 2:02-260

Mary Coats Wilkinson, et al. v. American Home Products Corp., et al., N.D. Mississippi, C.A. No. 2:02-261

Carol Adams v. Chattem, Inc., et al., E.D. Texas, C.A. No. 6:02-587

Deann Fetzer, et al. v. Chattem, Inc., et al., S.D. Texas, C.A. No. 4:02-4891

Anna Faye Miller v. Chattem, Inc., et al., W.D. Texas, C.A. No. 1:02-801

BEFORE WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, BRUCE M. SELYA,* JULIA SMITH GIBBONS, D. LOWELL JENSEN,* J. FREDERICK MOTZ AND ROBERT L. MILLER, JR., JUDGES OF THE PANEL

TRANSFER ORDER

Before the Panel are motions brought, pursuant to Rule 7 4, R P J P M L , 199 F R D 425, 435-36 (2001), by plaintiffs in two Northern District of Mississippi and three Eastern, Southern and Western District of Texas actions. Plaintiffs seek to vacate Panel orders conditionally transferring their respective action to the Western District of Washington for inclusion in the centralized pretrial proceedings occurring there in this docket before Judge Barbara Jacobs Rothstein. Pleadings in support of transfer have been filed 1) with respect to the Northern District of Mississippi *Cunningham* action by defendants Bayer Corp , Block Drug Co and Proctor & Gamble Co., 11) with respect to the Northern District of Mississippi *Wilkinson* action by defendants Bayer Corp and Wyeth, and 11) with respect to the three Eastern, Southern and Western District of Texas actions by defendants Chattem, Inc , and The Delaco Co

On the basis of the papers filed and hearing session held, the Panel finds that these five actions involve common questions of fact with actions in this litigation previously transferred to the Western District of Washington, and that transfer of the actions to that district for inclusion in the coordinated or consolidated pretrial proceedings occurring there will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The Panel is persuaded that transfer of the actions is appropriate for reasons expressed by the Panel in its original order directing centralization in this docket. The Panel held that the Western District of Washington

*Judge Jensen took no part in the decision of this matter. Additionally, Judge Selya took no part in the disposition of this matter with respect to the Northern District of Mississippi and Southern District of Texas actions.

INVOLVED COUNSEL LIST
DOCKET NO. 1407
PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

Jeffery A Addicks
Hays, McConn, Rice & Pickering
400 Two Allen Center
1200 Smith Street
Houston, TX 77002

Robert J Binstock
Reich & Binstock
4265 San Felipe, Suite 1000
Houston, TX 77027-0001

Walter H Boone
Forman Perry Watkins Krutz &
Tardy
P O Box 22608
Jackson, MS 39225-2608

Margaret T Brenner
Hays, McConn, Rice & Pickering
400 Two Allen Center
1200 Smith Street
Houston, TX 77002

William M Dalehite, Jr
Steen, Reynolds & Dalehite
P O Box 900
Jackson, MS 39205-0900

David E Dukes
Nelson, Mullins, Riley &
Scarborough, LLP
1330 Lady Street
Keenan Bldg , 3rd Floor
P O Box 11070
Columbia, SC 29211

J Philip Griffis
Hays, McConn, Rice & Pickering
400 Two Allen Center
1200 Smith Street
Houston, TX 77002

H E Butt Grocery Co
c/o Dean Dicker
646 South Main Avenue
San Antonio, TX 78204

Douglas A Hofmann
Williams, Kastner & Gibbs
P O Box 21926
Seattle, WA 98111

D Joseph Hurson
Lane Powell Spears & Lubersky
1420 Fifth Avenue
Suite 4100
Seattle, WA 98101-2338

Donna B Jacobs
Butler, Snow, O'Mara, Stevens &
Cannada
P O Box 22567
Jackson, MS 39225-2567

Joseph M McElroy
Zeleskey, Cornelius, Hallmark &
Borgfeld
P O Drawer 1728
Lufkin, TX 75902

Lance Eugene Palmer
Levinson, Friedman, Vhugen,
Duggan, et al
720 3rd Avenue, Suite 1800
Seattle, WA 98101

William A Patterson
Wilkins, Stephens & Tipton
One LeFleur's Square
4735 Old Canton Road
P O Box 13429
Jackson, MS 39236

Charles F Preuss
Drinker Biddle & Reath
225 Bush Street
15th Floor
San Francisco, CA 94104

Randolph S Sherman
Kaye Scholer LLP
425 Park Avenue
12th Floor
New York, NY 10022

Dana J Swan
Chapman, Lewis & Swan
501 First Street
P O Box 428
Clarksdale, MS 38614-0428

Terry O Tottenham
Fulbright & Jaworski, LLP
600 Congress Avenue, Suite 2400
Austin, TX 78701-2011

C Crews Townsend
Miller & Martin
Volunteer Building, Suite 1000
832 Georgia Avenue
Chattanooga, TN 37402

Robert Michael Tyner
Lockett Tyner Law Firm
P O Drawer 1000
Clarksdale, MS 38614-1000

Robert A Valadez
Shelton & Valadez, PC
600 Navarro Street
Suite 500
San Antonio, TX 78205

Jimmy Brian Wilkins
Watkins & Eager
P O Box 650
Jackson, MS 39205-0650

Frank A Wood, Jr
Watkins & Eager
P O Box 650
Jackson, MS 39205

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
OFFICE OF THE CLERK

BRUCE RIFKIN
CLERK

WILLIAM KENZO NAKAMURA
U S COURTHOUSE, SUITE 215
SEATTLE, WASHINGTON 98104

April 21, 2003

FILED ENTERED
LODGED RECEIVED

APR 22 2003

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY *WS* DEPUTY

Mr Arlen B Coyle
Clerk
United States District Court
369 Federal Building and
United States Courthouse
911 Jackson Avenue West
Oxford, MS 38655-3622

IN RE MDL 1407 (PPA) PHENYLPROPANOLAMINE PRODUCTS LIABILITY LITIGATION

Dear Clerk

Enclosed is certified copy of the Conditional Transfer Order entered by the Judicial Panel on Multidistrict Litigation. The Order became effective April 14, 2003. We have assigned an individual Western District of Washington (WAW) case number to your case to be transferred to us as listed below.

Please send us your file along with a certified copy of your docket entries. When you send your file, please refer to our civil action number.

Title of Case	Your Number
Cunningham v Bayer Corp	2 02-260
Wilkinson v American Home Prod	2 02-261

C 03-0938
WAW Number
C 03-0939

Sincerely,

BRUCE RIFKIN, CLERK

BY *Valerie Barber*
Valerie Barber, Deputy Clerk
206-553-4170 ext 4



MD 01-01407 00001~64

1764

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
OFFICE OF THE CLERK

BRUCE RIFKIN
CLERK

WILLIAM KENZO NAKAMURA
U S COURTHOUSE, SUITE 215
SEATTLE, WASHINGTON 98104

April 21, 2003

Mr David J Maland
Clerk
United States District Court
106 Federal Building
211 West Ferguson Street
Tyler, TX 75702

IN RE MDL 1407 (PPA) PHENYLPROPANOLAMINE PRODUCTS LIABILITY LITIGATION

Dear Clerk

Enclosed is certified copy of the Conditional Transfer Order entered by the Judicial Panel on Multidistrict Litigation. The Order became effective April 14, 2003. We have assigned an individual Western District of Washington (WAW) case number to your case to be transferred to us as listed below.

Please send us your file along with a certified copy of your docket entries. When you send your file, please refer to our civil action number.

Title of Case
Adams v Chattem, Inc

Your Number
6 02-587

WAW Number
C 03-0940

Sincerely,

BRUCE RIFKIN, CLERK

BY *Valerie Barber*
Valerie Barber, Deputy Clerk
206-553-4170 ext 4

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
OFFICE OF THE CLERK

BRUCE RIFKIN
CLERK

WILLIAM KENZO NAKAMURA
U S COURTHOUSE, SUITE 215
SEATTLE, WASHINGTON 98104

April 21, 2003

Mr. Michael N Milby
Clerk
United States District Court
Post Office Box 61010
Houston, TX 77208-1010

IN RE MDL 1407 (PPA) PHENYLPROPANOLAMINE PRODUCTS LIABILITY LITIGATION

Dear Clerk

Enclosed is certified copy of the Conditional Transfer Order entered by the Judicial Panel on Multidistrict Litigation. The Order became effective April 14, 2003. We have assigned an individual Western District of Washington (WAW) case number to your case to be transferred to us as listed below.

Please send us your file along with a certified copy of your docket entries. When you send your file, please refer to our civil action number.

Title of Case
Fetzer v Chattem, Inc

Your Number
4 02-4891

WAW Number
C 03-0941

Sincerely,

BRUCE RIFKIN, CLERK

BY *Valerie Barber*
Valerie Barber, Deputy Clerk
206-553-4170 ext 4